Exhibit - Omega

Occupational Licensing Is A "Title of Nobility"

¶1. Occupational licensing is a Title of Nobility Prohibited by the United States Constitution that Violates Equal Protection.

¶2. Occupational licensing upon attorneys acts as the equivalent of a Title of Nobility, which is prohibited by the Constitution of the United States of America. One of the truly "***sacred cows***" of our society and a matter of great importance to all of us is occupational licensing. You may not have previously thought about this issue in terms of the law of equality, but an equality analysis is extremely relevant, even though a liberty of contract analysis would lead to the same conclusions. In short, occupational licensing violates the unalienable right of equality.

¶3. The principles and concepts which are examined here apply to every kind of occupational licensing. In our nation today, occupational licensing takes many forms, and is called by many names, such as certification, qualification, approval and registration. Many kinds of professions, trades and occupations are licensed or regulated, including lawyers, physicians, truck drivers, contractors and teachers.

¶4. Occupations are regulated or licensed at both the state and federal level. However, it does not really matter which level applies for our purposes. The reason for that is two-fold. First, the law of the nature of equality applies to both state and federal law. The Declaration of Independence establishes the legal context both for the nation and for every state. Both as a matter of law, and as a matter of historical record, every state in the Union has bound itself to the legal framework established by the Declaration. Second, the United States Constitution contains express language prohibiting both the federal government and the states from granting any title of nobility.

¶5. Let us examine whether occupational licensing is a violation of the law of equality

and is a form of title of nobility. Consider the occupation most familiar to many of us, the legal profession. I submit that the present system of law school accreditation and compulsory bar memberships, as well as the licensing of attorneys in general, is contrary to the law of nature and is also unconstitutional.

¶6. This subject requires that we review the history of monopolies under the English common law. We generally have a wrong view of monopolies today, which is evident by the way Congress has defined the law of antitrust. For example, the Sherman Anti-Trust Act states:

> *"Every contract, combination . . . or conspiracy, in restraint of trade or commerce . . . is declared to be illegal."* **(See:15 U.S.C. §1 (1982)**.

¶7. Similarly, the Clayton Anti-Trust Act makes it illegal for businesses to charge different customers different prices for the same goods or services, or to acquire another business whenever the effect is to lessen competition or to create a monopoly.

> Title 15 United States Code. Commerce and Trade Chapter 1. Monopolies and Combination in Restraint of Trade §12:
> **(a)**
> "Antitrust laws," as used herein, includes the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety; sections seventy-three to seventy-six, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' " approved February twelfth, nineteen hundred and thirteen; and also this Act.
> "Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign

nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: Provided, That nothing in this Act contained shall apply to the Philippine Islands.

The word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

(b)

This Act may be cited as the "Clayton Act".

¶8. Title 15 United States Code. Commerce and Trade Chapter 1. Monopolies and Combination in Restraint of Trade §13:

§13. Discrimination in price, services, or facilities

(a) Price; selection of customers

It shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided*, That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: *Provided, however*, That the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established: *And provided further*, That nothing herein contained shall

prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade: *And provided further*, That nothing herein contained shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) Burden of rebutting prima-facie case of discrimination

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however*, That nothing herein contained shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

(c) Payment or acceptance of commission, brokerage, or other compensation

It shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) Payment for services or facilities for processing or sale

It shall be unlawful for any person engaged in commerce to pay or contact for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on

proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) Furnishing services or facilities for processing, handling, etc.

It shall be unlawful for any person to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(f) Knowingly inducing or receiving discriminatory price

It shall be unlawful for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by this section.

¶9. Title 15 United States Code. Commerce and Trade Chapter 1. Monopolies and Combination in Restraint of Trade §14:

§14. Sale, etc., on agreement not to use goods of competitor

It shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, whether patented or un-patented, for use, consumption, or re-sale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

(Oct. 15, 1914, ch. 323, §3, 38 Stat. 731.)

¶10. Essentially, these laws prohibit certain business contracts entered into by private parties.

¶11. But, in Blackstone's day, and in the worldview of our American forefathers, a monopoly meant only one thing: an exclusive privilege to engage in business which

was granted by the king. In other words, every monopoly was created by the civil ruler. A monopoly was not a private contract, or even a contractual issue, but a civil privilege, and therefore, an equality issue. Thus, private parties could "corner the market," but they could never create a monopoly.

¶12. The distinction between law and fact is also relevant here. Modern scholars define a monopoly based upon economic facts, that is, the perceivable practice of market participants. However, our forefathers understood a monopoly as a question of law, that is, whether a person was legally entitled to enter the marketplace. If, in fact, only one seller brought his wares to the market, that was acceptable, so long as other sellers were able to act similarly, but simply chose not to do so. If, however, only one seller had the exclusive right to sell his wares at the market, even if no one else wanted to sell their wares in the same market at the same time, a monopoly existed, and was unlawful. Thus, the definition of a monopoly was legally based, not factually based.

¶13. Pursuant to this historical definition, the licensing of attorneys creates a monopoly and violates the law of equality. After all, a lawyer's license is nothing other than a privilege to render legal services, a privilege which is granted by the state. And, the privilege is made exclusive by the enactment of statutes outlawing the unauthorized practice of law which restricting the right of other persons to render legal services. In this way, the licensing of attorneys creates a monopoly contrary to the law of equality.

¶14. Attorney licensing is completely predicated on a presumed state's right to be a respecter of persons. The function of a statute prohibiting the unauthorized practice of law is not to distinguish between people on the basis of what they do, but who they are. By definition, a person engaged in the unauthorized practice of law is engaging in the same activity as a licensed lawyer. The only distinguishing characteristic is that he is not licensed. Licensing statutes similarly distinguish between people on the basis of where they attended school, by whom it was accredited, and in what states they

previously practiced law. In short, whether you become licensed depends on your identity, not your competency.

¶15. Attorney licensing is also legally equivalent to a title of nobility. Licensing, like some of the English titles of nobility, is obtained by special grant from the state. And, licensing confers special privileges peculiar to the profession. Only licensed attorneys can appear before a judge on behalf of another person and are regarded as "officers of the court." Only licensed attorneys have the benefit of an attorney-client privilege, and the name says it all. It is not called the "attorney-client right," because it is not a right. Legally-enforced confidentiality is a privilege usually denied even to other licensed professionals. In essence, licensed attorneys are state established, just as a state religion could be established.

¶16. W. Clark Durant, chairman of the Legal Services Corporation's board of governors, stated at the mid-winter meeting of the American Bar Association (A.B.A.) in February 1987:

> *"The greatest barrier to widely dispersed low-cost dispute resolution services for the poor, and for all people, could very well be the laws protecting our profession. They make it a cartel. Like any such laws, they limit or distort supply; they increase prices; and they create dislocations in the marketplace.*
>
> *"The legal monopoly rests on two major pillars. The first are laws that set aside specific work exclusively for lawyers. Anyone else who performs "lawyer's work" may be prosecuted for the unauthorized practice of law [UPL statutes]. The second is a series of restrictions on how one may become a lawyer. These restrictions are really barriers to competition, not guardians of competence."*
>
> (Address by Clark Durant entitled Maximizing Access to Justice: A Challenge to the Legal Profession, American Bar Association Mid-Winter Meeting (Feb. 12, 1987), New Orleans.)

¶17. Speaking of the A.B.A. accreditation of law schools, Durant said:

> *"This is not a quality control issue. It is an issue of control under the pretext*

of quality."

¶18. And finally, Durant concluded:

> *"State bars should be voluntary . . .. State unauthorized practice of law statutes simply should be repealed."*
>
> (Address by Clark Durant entitled Maximizing Access to Justice: A Challenge to the Legal Profession, American Bar Association Mid-Winter Meeting (Feb. 12, 1987), New Orleans.)

¶19. These conclusions are also supported by an examination of the same issues in the light of the law of contract liberty and the Constitution's Obligation of Contracts clause.

> **United States Constitution Article I, §10, Clause 1: "**No State shall enter into any Treaty, Alliance, or Confederation; grant **Letters of Marque and Reprisal;** coin Money; emit **Bills of Credit;** make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any **Bill of Attainder, ex post facto** Law, or Law impairing the Obligation of Contracts, or grant any **Title of Nobility."**

¶20. In a contracts context, occupational licensing is nothing other than a restriction on the kinds of contracts people would otherwise be at liberty to make. It says that certain people can enter into contracts to furnish legal services, but all other persons cannot. In essence, it declares all contracts for the furnishing of legal services to be illegal, unless one of the parties has special permission from the state. Consequently, licensing violates the unalienable right of contract within our right of liberty as much as it violates the unalienable right of equality.

¶21. The foregoing general analysis of attorney licensing also applies to the American Bar Association in particular. The A.B.A. is a group of self-appointed guardians of the purity of legal doctrine, who have obtained a grant of monopoly from most of the states, to determine how all lawyers must think, and what the law ought to be. ***The A.B.A. is not created or governed by any civil government, yet it wields legislative, executive and judicial power.*** It is not accountable to the people, yet it rules over

them as a lord and benefactor, supposedly acting in the public interest.

¶22. If ever there was a privileged nobility in America, the A.B.A. is one. It has been given the exclusive right by most states to engage in the business of accrediting law schools as it sees fit. We should not wonder why it resists the accreditation of any law school which teaches God-given rights. ***By definition, the A.B.A. has arrogated unto itself a monopoly in violation of the law of the nature of equality and the constitutional prohibitions against titles of nobility***. By the very nature of its activities, the A.B.A. denies that equality is an unalienable, or God-given right.

¶23. Apparently, **judges** in **superior courts** do ***not*** want **"We The People"** to know where their allegiances are. Does this surprise the Accused? John Napper, and Glen M. Asay ***must*** be accountable to **"We The People"** equally accountable to, **"We The People"**, the public at large!

Filing Fees To The Treasurer of the United States!
Not to the United States Treasurer.

¶24. It is Accused's vision that John Napper will gain the status of *Article III Judge*, with lifetime tenure during good behavior, being paid in gold and silver coinage according to the *1792 Coinage Act* to reinstate the judicial department. The Accused will pay the filing fees and court costs in gold and silver which must go into the "*Treasurer of the United States"* to get the ball rolling to re-instate the *de jure* governmental structure! The Accused will Not pay the "UNITED STATES TREASURER™" which is *foreign*!